

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Paul E. Orsello,

Civil No. 07-1820 (PAM/JSM)

Plaintiff,

v.

**ORDER**

Steven D. Gaffney, et al.,

Defendants.

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This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Janie S. Mayeron dated February 5, 2008. In the R&R, Magistrate Judge Mayeron recommended that this Court dismiss the Amended Complaint with prejudice because this Court lacks jurisdiction over the matter and because the relief Plaintiff seeks is relief the Court cannot provide.

Plaintiff filed objections to the R&R. In those objections, he contends that he is seeking relief other than the appointment of counsel such that a favorable decision on his claims will redress the injury he is allegedly suffering, and that the Court has jurisdiction over the matter because he is a citizen of the United States. Moreover, he contends that it is his right as a citizen to have counsel appointed.

Plaintiff is not correct that he has a right to counsel in a civil matter. Were this a criminal case, Plaintiff would undeniably have the right to counsel. Plaintiff’s lawsuit is concerned with real property, and thus is civil in nature. Therefore, as the Magistrate Judge correctly noted, Plaintiff does not have the right to counsel.

The Amended Complaint belies Plaintiff's claim that he is seeking relief other than the appointment of counsel. In the Amended Complaint, Plaintiff asks this Court to appoint counsel to assist him in a pending or recently concluded state-court action involving his home. However, only Minnesota state courts can resolve the injury Plaintiff has allegedly suffered with respect to his home. More to the point, the appointment of counsel certainly does not guarantee that Plaintiff will prevail in the underlying state-court case.

There are several organizations that assist low-income people with legal matters. The Court urges Plaintiff to contact the Volunteer Lawyers Network at 612-752-6677, or by mail at 600 Nicollet Mall, Suite 390A, Minneapolis, MN 55402.

Because this Court lacks jurisdiction both over the claims in the Amended Complaint and over the relief sought, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation (Docket No. 24) is **ADOPTED**; and
2. The Amended Complaint (Docket No. 9) is **DISMISSED with prejudice**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: March 4, 2008

s/ Paul A. Magnuson  
Paul A. Magnuson  
United States District Court Judge